

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, May 7, 2009
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission can take action to approve the May 7, 2009 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the April 2, 2009 meeting Minutes.

V Public Hearing

None

VI New Business

Jo Hall, 264 Fourth Street

Jo Hall, 264 Fourth Street would like to construct a new detached garage (accessory structure) that would be between 18' and 19' in height. Under Section 515.D of the Zoning Ordinance Ms. Hall is are requesting a higher structure to achieve architectural compatibility with the principal building. The Ordinance limits accessory buildings to 18 feet in height.

At this time the Planning Commission will approve/deny the request from Jo Hall, 264 Fourth Street to construct an accessory building between 18' and 19' in height to achieve architectural compatibility with the principal building.

Consideration of establishing Ad Hoc Committee - Green Initiative

Section 6.2 Committees of the Planning Commission By-Laws *"The Planning Commission or Chair of the Planning commission may establish and appoint standing and/or ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on a standing and/or ad*

hoc committee at any given time. Committee appointments shall be made at the first regular meeting held in January of each year or at the time the committee is formed." Interest has been expressed by a member of the Planning Commission to establish an Ad Hoc Committee to review Green Initiative programs for the City of Manistee. These programs could include wind, solar and alternative energy programs that would benefit the community.

At this time the Planning Commission Chair or Planning Commission could take action to form a Green Initiative Ad-Hoc Committee of the Planning Commission.

Committee Appointments

There are vacancies on several Sub-Committees of the Planning Commission.

At this time the Chair of the Planning Commission will appoint members to fill the existing vacancies on the Planning Commission.

In the event that a Green Initiative Ad-Hoc Committee is formed the Chair of the Planning Commission could take action to appoint representatives to the Committee.

VII Old Business

VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

X Staff Reports

At this time the Chair will ask Staff for their report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.


XII Adjournment



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 

DATE: April 30, 2009

RE: May 7, 2009 Planning Commission Meeting

Commissioners, Enclosed is your packet for the May Planning Commission Meeting. We have the following item on the Agenda:

Jo Hall, 264 Fourth Street - Jo Hall, 264 Fourth Street would like to construct a new detached garage (accessory structure) that would be between 18' and 19' in height. Under Section 515.D of the Zoning Ordinance Ms. Hall is requesting a higher structure to achieve architectural compatibility with the principal building. The Ordinance limits accessory buildings to 18 feet in height.

Consideration of establishing Ad Hoc Committee - Green Initiative - Section 6.2 Committees of the Planning Commission By-Laws "The Planning Commission or Chair of the Planning commission may establish and appoint standing and/or ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on a standing and/or ad hoc committee at any given time. Committee appointments shall be made at the first regular meeting held in January of each year or at the time the committee is formed." Interest has been expressed by a member of the Planning Commission to establish an Ad Hoc Committee to review Green Initiative programs for the City of Manistee. These programs could include wind, solar and alternative energy programs that would benefit the community.

Committee Appointments - There are vacancies on several Sub-Committees of the Planning Commission. Chairman Yoder will make appoint members to fill the existing vacancies on the Planning Commission subcommittees.

You also have a copy of an e-mail and attachments that were sent to me by Mr. Ben Mosqueda, Property Energy Group. He has asked to speak to the commission during Citizen Comment.


If you are unable to make the meeting please call me at 398-2805. See you Thursday!!

:djb



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MEMORANDUM

TO:  Planning Commissioners

FROM: Jon R. Rose
Community Development Director

DATE: April 28, 2009

RE: Jo Hall - Architectural Compatibility with the Principal Building

Commissioners, we have received a request from Jo Hall, 264 Fourth Street to allow the construction of a detached garage with a finished height between 18' and 19'. Section 515.D of the Zoning Ordinance reads as follows:

"An accessory building and structure in the R-1, R-2, R-3 and R-4 Districts shall not be higher than eighteen (18) feet and side walls shall not be higher than twelve (12) feet, unless a higher structure is approved by the Planning Commission and the Historic District Commission (if applicable) to achieve architectural compatibility with the principal building."

Ms. Hall would like to use Section 515.D of the Ordinance to achieve architectural compatibility with the principal building.

JRR:djb

**264 4th Avenue
Manistee, MI 49660**

Request for an Architectural Design Compatibility (515D)
height exception for a one car garage.



This is a request to obtain an exception in the height of a one car garage that I am proposing to build at 264 4th Avenue Manistee, MI. The request is being made so that the garage will be more compatible with the design of my one story home. The pitch of the roof on the house is rather steep and I have been told by the contractor that the garage roof will be between 18.0 and 19.0 feet when complete. Therefore, I am requesting that you grant me an architectural design compatibility exception for the garage roof to exceed the 18 foot regulation by no more than a foot.

Thank you,

A handwritten signature in cursive script, appearing to read "Jo R. Hall".

Jo R. Hall
264 4th Avenue
Manistee, MI 49660

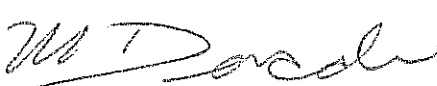
231.723.0125 (home)
231.233.0410 (cell)

VETERANS MEMORIAL ENHANCEMENT DISCUSSION
APRIL 21, 2009

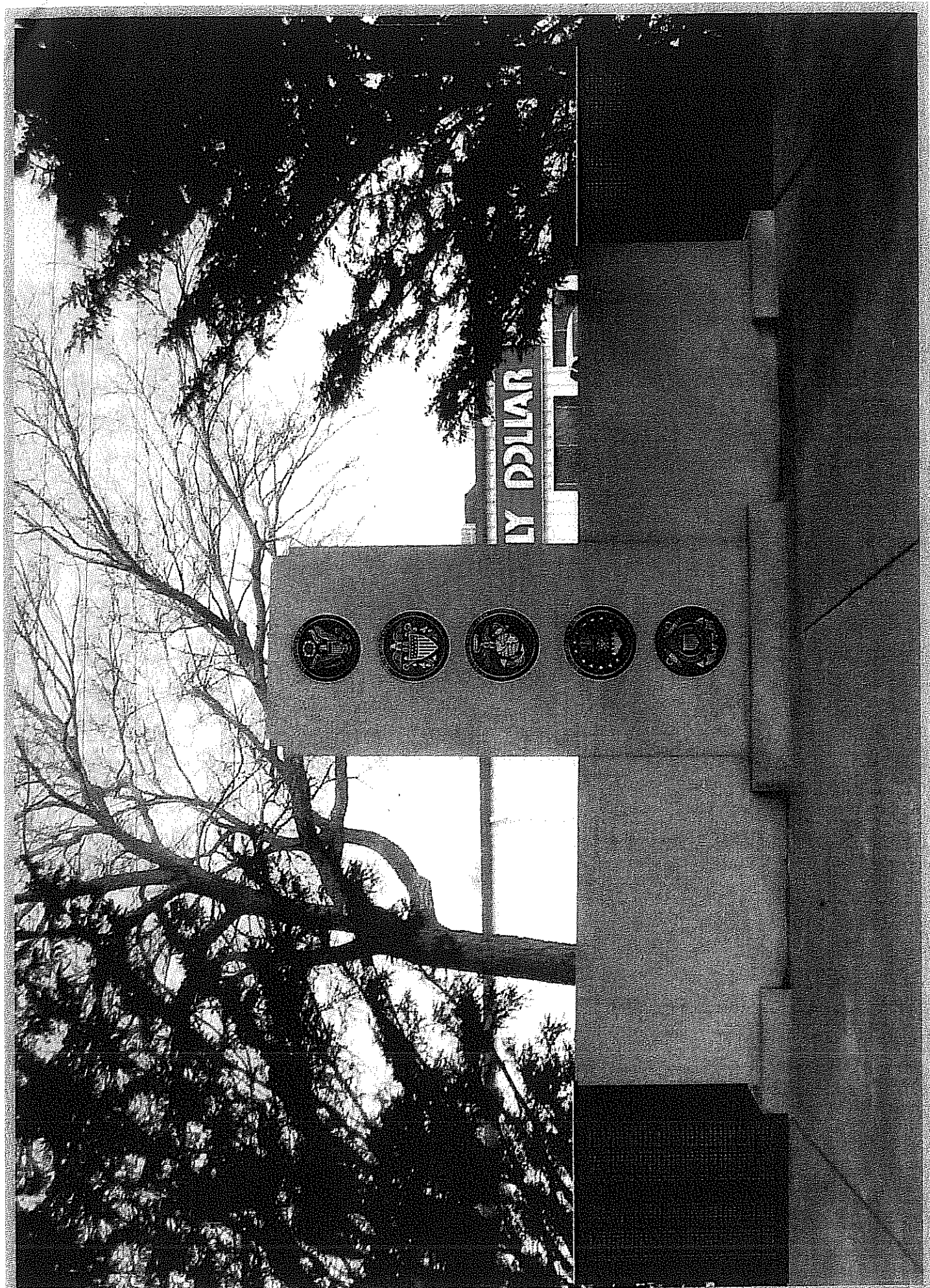
PRESENT: Bob Gancarz, Jim Kieszkowski, Jack Garber, Mitch Deisch

PURPOSE: Second meeting to discuss cleaning and improving the existing Veterans Memorial on Memorial Drive. Preparing to add at least four black granite blocks.

- Names of Manistee County residents who have been killed in action (same as memorial at Library) placed in the back of existing memorial. Five 12" bronze plaques will be added to back of existing granite memorial.
- Size of black granite additions are 3'x 5'x 6", four are proposed to be added. Cost for each is \$1,700 and will be donated by Jim Kieszkowski. Will require concrete footings.
- Names of any veteran that lived in Manistee County could be added to black granite, if family contributed \$30 covering engraving of name.
- Concept was presented to Manistee County Veterans Council, which was approved.
- Manistee County Veterans Council allocated \$4,500 toward upgrade.
- Looking to determine if Planning Commission review is required.
- Mitch Deisch will present to the Parks Commission.
- Mitch Deisch will place concept before City Council for discussion on May 12, 2009 work session.
- Improvements **will not** be completed by Memorial Day of 2009.

 4/22/09

Mitch Deisch, City Manager



Denise Blakeslee

From: Benjamin Mosqueda [mosquedab@yahoo.com]
Sent: Monday, April 27, 2009 11:20 AM
To: Denise Blakeslee
Subject: Roof mount Wind Turbines
Attachments: Article V Section 5-30.pdf; wind_turbine_ord2.doc

Denise, thanks for your time today. I have attached two local ordinances. Also a video of our newest product. My preference is Article V section 5-30 based on the wording, it seems much clearer and more encompassing. Since our company is just starting to market roof mounted units locally I would like to see something move like the wind but I am aware that this may not be the case. We are opening our office at 174 Cleveland in town we have been working on other large scale projects in the region and look forward to developing the residential market. We already have a number of interested parties in town based on my conversations I will be signing agreements this week with enviro-energies this week what a find. They are based in Canada but the product is manufactured Michigan by Roush Manufacturing. It took a while to find a product that was leading edge but also has local consideration.

I put this video link to see if this may be ok to present to the board on Thursday. Again thank you and look forward to working with you department.

Ben Mosqueda
 Property Energy Group
 174 Cleveland
 Manistee, Mi 40660
 616-887-4173

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Jay Leno's Garage - Magnetic Wind Turbine

Jay Leno's Garage Video

ben mosqueda sent you this link to check out this widget: [Jay Leno's Garage - Magnetic Wind Turbine](#)

and made the following comment:

"check this out"

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4/27/2009

ARTICLE V
SECTION 5-30

**Section 5-30 – REGULATIONS GOVERNING ERECTION OF ENERGY
GENERATING WIND POWER DEVICES.**

- A. For the purpose of this section, the following definitions shall apply:
1. Windmill. A device which converts wind energy to mechanical or electrical energy.
 2. Windmill rotor. That portion of the windmill, i.e. blades, associated hub and shaft, intended to be moved or activated by the wind.
 3. Windmill Tower. The supporting structure on which the rotor and accessory equipment are mounted.
- B. Unless otherwise noted, windmills not described and regulated in this section are not permitted unless a Special Permit is obtained from the Board of Appeals.
- C. General Regulations:
1. Abandonment/Safety: A windmill will be considered abandoned if not operated for a period of two (2) years or if it is designated a safety hazard by the Building Inspector. Once a windmill is designated as abandoned, the owner shall be required to immediately dismantle the installation.
 2. Access: Climbing access to the windmill tower shall be limited either by:
 - a. The installation of a fence with locked gate around the tower base; or,
 - b. By limiting tower climbing apparatus to no lower than ten (10) feet from the ground, if a fence is used, it shall be no lower than five (5) feet and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc.

NOTE: Open coight shall be measured as the vertical distance from the top of the roof of the building on which the windmill is mounted to the center of the windmill rotor.

The permissible height of windmills with rotors which are mounted vertically shall be measured from the top of the roof of

the building on which the windmill is mounted to a point halfway between the lowest and the highest point of the rotor.

3. Noise and Electrical Interference: Setback requirements notwithstanding, no windmill shall be located as to generate excessive noise and/or electrical interference, e.g. with radio and television reception on neighboring premises.

If such interference or excessive noise is created, the Building Inspector, after examination of the complaint, shall be authorized to order cessation of cooperation of the device. The City Council shall, thereupon, set a date for a duly authorized public hearing. The City Council shall be empowered to order appropriate permanent corrective action or order the permanent cessation of the device.

4. Placement: No windmill shall be constructed in any front or side yard area. All other setback requirements shall be measured from property lines to the center of the base of the windmill tower.
5. All wind generating devices shall be in conformance with all applicable state Building Codes as interpreted by the Building Inspector.
6. The Inspector of Buildings may also require the stamp of an appropriate certified engineer for structures that he/she shall determine necessity for.

B. Specific Regulations

1. Windmills permitted upon issuance of appropriate permits by the Inspector of Buildings. Prior to issuing approval, the Building Inspector shall forward the request to the Airport Commission who shall insure that the proposed device presents no navigational hazards. Determination that such hazard exists shall be grounds for permit rejection.
 - a) Freestanding windmills permitted in any zoning district:

(1) Maximum Height:	75 feet
(2) Maximum Rotor Diameter:	35 feet
(3) Setback	1.7 times the height of the windmill
 - b) Roof mounted windmills permitted in RA and RB zoning districts:

(1) Maximum Height	15 feet
(2) Maximum Rotor Diameter	6 feet
 - c) Roof mounted windmills permitted in all other zoning districts:

(1) Maximum Height	25 feet
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(2) Maximum Rotor Diameter 16 feet

- d) Setback: 1.5 times the height of the windmill measured from the nearest property line. A Special Permit may be sought for a windmill which is jointly owned by abutting land owners. Required setbacks may be measure from the farthest property lines of such abutting properties.

2. Windmills allowed by Special Permit granted by the Board of Appeals:

- a) Maximum heights and rotor Dimensions:

(1) Freestanding: Any Zoning District

Height: 100 feet

Rotor Diameter: 65 feet

(2) Roof Mounted: RA and RB Zoning Districts

Height: 25 feet

Rotor Diameter: 16 feet

(3) Roof Mounted: All Other Zones

Height: 40 feet

Rotor Diameter: 20 feet

- b) Setback, free standing windmills: 2.00 times the height of the windmill.

In the event a Special permit is sought for a windmill which is to jointly owned by abutting land owners, required setbacks may be measured from the farthest property lines of such abutting properties.

- c) In considering a Special Permit, the Board of Appeals shall determine that no substantial detriment to the public good or safety shall occur; in addition, the Board shall ensure that the permit sought will not adversely affect the environmental and visual quality of the City.

The Board shall also ensure that any Special Permits granted for jointly owned windmills contain provisions to guarantee that responsibility for maintenance and repair of such windmills "runs with the Land" or each participating landowner.

ARTICLE V
SECTION 5-40

V- SECTION 5-30- STANDARDS FOR ADULT THEATERS, ADULT BOOKSTORES, AND ADULT DANCE CLUBS

The operation of an adult theatre, bookstore or dance clubs shall require a Special Permit from the Westfield Planning Board. The applicant for a Special Permit is subject to the rules as defined in Article I, Section 1-50 – Special Permit.

The operation of a Adult Bookstore, theatre or dance club shall not be situated within 1,000 feet of any establishment that serves or sells alcoholic beverages that are consumed on the premises or taken out. In granting a Special Permit, the Planning Board may provide that adult bookstores, theatres or dance clubs will not be located within 500 feet of a residential use or district, a structure or parcel used for educational or religious purposes, a structure or parcel owned, operated or maintained by the Commonwealth or City for public purposes such as a library, park, playground or recreational area. An adult use may not be located within 1000 feet of any other adult establishment.

If the business allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed should not be closed off by curtains, doors or screens all should be clearly seen from the center of the establishment. No advertisement, display or other promotional material is to be visible to the public from any public way including not limited to pedestrian walkways.

ORDINANCE NO. _____-2009

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO
TOWNSHIP CUMBERLAND COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 27 OF THE TOWNSHIP OF EAST
PENNSBORO CODE OF ORDINANCES FOR THE PURPOSES
OF REGULATING WIND TURBINES.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Township

Commissioners in and for the Township of East Pennsboro, Cumberland County, Pennsylvania,
as follows:

SECTION 1: Section 202 (Definitions), Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances as originally enacted July 5, 2007 Ordinance 737-07 and as subsequently amended, is hereby amended to provide the following additional definitions:

HUB HEIGHT - the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

TURBINE HEIGHT - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WIND ROTOR - means the blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole or tower or other suitable structure along with other generating and electrical equipment to form a Wind Turbine.

WIND TURBINE - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, wind rotor, tower and pad transformer, if any.

SECTION 2: Article 5 (Forest-Slope District), Section 502 of Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"H. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 3: Article 6 (R-C Residential-Conservation District), Section 602 of Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"H. Wind turbines permitted by special exception."

An * indicates that additional regulations found in Article 19 apply.

SECTION 4: Article 7 (A-1 Agricultural District), Section 702 of Chapter 27 (Zoning) of the Township of East Pennsboro of Ordinances is hereby amended to include the following additional text:

"N. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 5: Article 8 (R-1A Residential Single Family Agricultural District), Section 802 of Chapter 27 (Zoning) of the Township of East Pennsboro of Ordinances is hereby amended to include the following additional text:

"L. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 6: Article 9 (R-1 Residential Single Family), Section 902 of Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"L. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 7: Article 13 (PRO Professional Office District-), Section 1302 of Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"R. Wind turbines permitted by special exception*."

An * indicates that additional regulations found in Article 19 apply.

SECTION 8: Article 14 (OA Office-Apartment Dwelling District), Section 1402 of Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"BB. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 9: Article 16 (C-G Commercial General), Section 1602 of Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"OO. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 10: Article 17 (CPL Commercial Park Limited), Section 1702 Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"BB. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 11: Article 18 (IP Industrial Park District) Section 1802 Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text:

"R. Wind turbines permitted by special exception *."

An * indicates that additional regulations found in Article 19 apply.

SECTION 12: Article 19 (General Regulations), Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text identified as Section 1902V:

§1902 V. WIND TURBINES

When listed in a district as permitted by special exception under 2406, the standards outlined in Section 2304.V shall apply.

SECTION 13: Article 2304 (Specific Criteria), Chapter 27 (Zoning) of the Township of East Pennsboro Code of Ordinances is hereby amended to include the following additional text identified as Section 2304V:

§2304 V. WIND TURBINES

Wind Turbines, when authorized by the Zoning Hearing Board, shall be permitted by special exception subject to the following conditions and the requirements set forth in Section 2406.

1. The Wind Turbine shall be independent of any structure and shall be located a minimum distance of 1.5 times the Turbine height from any structure and property line.
2. No part of the Wind Turbine shall be located within or above any required front, side or rear setback.
3. The minimum height of the lowest position of the wind rotor shall be fifteen (15) feet above the ground. Maximum height shall not exceed maximum building height for the Zoning District in which the Wind Turbine is placed. Roof-mounted wind turbines shall not exceed three (3) feet above the peak of the roof to which they are mounted.
4. Wind Turbines shall not be climbable up to twelve (12) feet above the ground surface.
5. All Wind Turbines shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
6. The design of the Wind Turbine shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
7. Wind Turbines shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
8. All electrical components of the Wind Turbine shall conform to the relevant and

applicable local, state and national codes, and relevant and applicable international standards.

9. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
10. Wind Turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
11. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than two-hundred (200) square inches.
12. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
13. A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
14. Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
15. The Applicant shall avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Turbine.
16. The Applicant shall be responsible for obtaining all State, Federal permits if required.
17. When a building is necessary for storage cells or related mechanical equipment, the building must not exceed one hundred ninety-nine (199) square feet in area, fifteen (15) feet in height, and must not be located within any required front, side or rear setbacks.
18. The resultant energy harnessed from the wind shall only be used on the property on which the Wind Turbine is located.
18. The Wind Turbine shall comply with all other applicable regulations and requirements as set forth in the Zoning Ordinance. However, Land Development

approval shall not be required under the East Pennsboro Township Subdivision and Land Development Ordinance for a single Wind Turbine. A Zoning Permit shall be required from East Pennsboro Township prior to the erection of a wind turbine.

19. The landowner shall, at his/her expense, complete decommissioning of the Wind Turbine within twelve (12) months after the end of the useful life of the Wind Turbine. It shall be presumed that the Wind Turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

20. Decommissioning of the Wind Turbine shall include removal of the Wind Turbine, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches and any other associated facilities. Disturbed earth shall be graded and re-seeded unless the landowner requests, in writing, that the access roads or other land surfaces not be restored.

21. The Wind Turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.

22. No more than one (1) Wind Turbine shall be located on any one (1) lot.

23. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) DBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for provision described in AWEA Standard 2.1-1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1. First Tier*, or any successor provision or publication.

24. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

SECTION 10: Except only as amended, modified and changed by this Ordinance, the Township of Hampden Code of Ordinances as codified and amended shall remain in all other

respects in full force and effect.

SECTION 11: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or the Township of East Pennsboro Code of Ordinances.

SECTION 12: This Ordinance shall become effective in accordance with applicable law.

DULY ENACTED AND ORDAINED this ____ day of _____, 2009 by
the Board of Township Commissioners of the Township of East Pennsboro in public session
duly assembled.

ATTEST:

TOWNSHIP OF EAST PENNSBORO
BOARD OF COMMISSIONERS

Mr. Robert L. Gill, Secretary

By: _____
George A. DeMartyn, President